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Henry Wilson.

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dent's message on the
Lecompton constitution.

Feb. 3rd & 4th. 1859



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SPEECH OF HON. HENRY WILSON, OF MASSACHUSETTS,

ON THE PRESIDENT'S MESSAGE ON THE LECOMPTON CONSTITUTION.

Delivered in the Senate, February 3d and 4th, 1858.

The pending question being the motion to refer the President's message and the Lecompton Constitution to the Committee on Territories, Mr. WILSON moved to amend the motion by adding:

"And that the committee be instructed to ascertain the number of votes given at each county in the Territory upon the question of calling a Convention to form a Constitution; to inquire into the appointment of delegates to the Convention, and the census and registration under which the same was made, and whether the same was in compliance with law; the number of votes cast for each candidate for delegate to the Convention, and the places where cast, and whether said Constitution received the votes of a majority of the delegates to said Convention; the number of votes cast in said Territory on the 21st of December last, for and against said Constitution, and for and against any parts thereof, and the number so cast at each place of voting; the number of votes cast on the 4th day of January last for and against said Constitution, and the number so cast at each place of voting; the number of votes cast on the 4th day of January last for any State and legislative officers thereof, and the number of votes cast for each candidate for such offices, and the places where cast; and that said committee also ascertain, as nearly as possible, what portion, if any, of the votes so cast at any of the times and places aforesaid were fraudulent or illegal; and that said committee have power to send for persons and papers."

Mr. WILSON. This application, Mr. President, for the admission of Kansas into this sisterhood of free Commonwealths, comes to us under circumstances that demand the prompt, thorough, and full investigation of the Senate and of the House of Representatives. Charges have been made by the people of Kansas, by Government officials in Kansas, of illegalities and frauds—illegalities and frauds which have deprived the people of that Territory of their rights, and defeated their will. These reports have gone over the country, over the Christian and civilized world, bringing dishonor and shame upon free democratic institutions. Under these circumstances, sir, I take it that every Senator, every member of Congress, every fair-minded and honorable man throughout the Republic, desires, before we vote to bring Kansas into the Union or to reject her application, that all the facts connected with the calling of the Convention to frame a Constitution, the election of delegates, the framing of the Constitution, the mode of submission to the people, the election under the Constitution, and all the

questions concerning the rights and the interests of the people of the Territory, shall be fully investigated. To accomplish this object, which every honorable gentleman in America must desire, I have submitted the motion that the Committee on Territories be instructed to make this investigation, and that they have power to send for persons and papers.

I indulge the hope, Mr. President, that every Senator on this floor will promptly vote for these instructions, and that the Committee on Territories will make the most searching, thorough, and complete investigation into this whole subject; and if there be frauds, if there be wrongs, if there be anything in the action of that Territory which baffles the popular will, which robs the people of their rights, that the facts will be presented to the Senate and to the country, and that we shall be guided by the simple idea of ascertaining the real will of the people of the Territory of Kansas, and letting that will control our action.

Before I sit down, sir, I wish to call the attention of the Senate to some of the allusions, assumptions, and declarations, of the President, in this extraordinary communication to Congress. The President told us, in his annual message, that the attention of the country had been too much drawn to the Territory of Kansas. I regret, I think the country will regret, I think every man who cares anything for right or justice, who cares anything for the honor of the American name and the American character—aye, anything for the reputation of the Chief Magistrate of the Republic—will regret that the President himself had not devoted time enough to the consideration of the affairs of Kansas, to have enabled him to present to the Senate and the country a full, intelligent, accurate, and truthful statement of the events which have transpired in that Territory. I say here, sir, what I know to be true, what every intelligent man in the Senate knows to be true, what the country and the world know to be true, that the statements in this message misrepresent, wholly and entirely, the events which have transpired in that Territory; and that

wherever this message goes, it will carry to the world a stupendous and gigantic misrepresentation of affairs in the Territory of Kansas.

I know, sir, that the President cannot be expected, in the midst of the vast duties that devolve upon him, to understand everything that has transpired in that Territory. He was out of the country when the act for the organization of Kansas was passed; he was out of the country during the eventful years of 1854 and 1855, and a portion of 1856—years in which events of great magnitude transpired in Kansas. He was nominated, we all know, sir, because he was out of the country, and had no connection with those events, because he was able to prove an *alibi*. But, sir, he sends to us, to men familiar with the events of the past four years, this message, covering this application for the admission of Kansas, and he gives a coloring to events in that Territory which will give to the country and to the world about as correct an idea of the affairs of that Territory as the bulletins of Napoleon gave to the people of France of the condition of the grand army on its retreat from Moscow.

The President tells us that there is a delusion in the country in regard to the condition of affairs in Kansas; that it is supposed there are two parties in that Territory, contending for the government of the Territory. He gives us to understand that this is not the fact; that there is not a great Free State party, struggling to make Kansas a Free State, and a Slave State party struggling to make Kansas a slave State. He would have the country understand that this is the state of affairs in that Territory; that there is a party of law and order, a party that legitimately and legally governs the Territory; and that there is another party setting at defiance the laws of Congress and the Constitution of the country, and that they are laboring to overthrow by lawless violence the Government of the Territory, and to impose on the people a Constitution of their own choice. Now, sir, I know, you know, every man here knows, that this is not the fact. I say there is no party and there has been no party in the Territory of Kansas, setting at defiance the Constitution of the United States or the laws of the United States; no party, nobody, no set men, in that Territory, in rebellion against Federal authority.

On the 30th March, 1855, the people of the Territory were summoned to the ballot-box to elect thirteen members of the Legislative Council and twenty six members of the House of Representatives. On that day there was an invasion of the Territory of forty-nine hundred men from the neighboring State of Missouri. These forty-nine hundred armed men went into every Council district and into every Representative district but one. They took possession of the electoral urns; they selected the Legislature to frame the laws for the Territory, and to shape and mould its future. Of the twenty-nine hundred men in

the Territory who had a right to vote, less than fourteen hundred voted on that day, and yet a majority of actual residents were in favor of a free State, and had majorities in sixteen of the eighteen districts. These facts have been proved, demonstrated, by taking the names of the persons enrolled as actual voters, and taking the names of the persons who voted on the 30th of March. These facts were proved under the order of the House of Representatives, and by a thorough investigation by a committee of that House, and no man here or elsewhere can deny them.

The people of Kansas had imposed upon them that day a Government not elected by themselves—a Government imposed upon them by those forty-nine hundred men from the State of Missouri. The people of the Territory felt this to be a great outrage on their rights—they had a right to feel so. The people of any State would have felt outraged on going to the ballot-boxes and finding them in the possession of armed men from another State. Gov. Reeder undertook to correct some of these frauds upon the ballot-box, by withholding certificates from the members thus elected; and Gov. Reeder, on that day when he undertook to right these wrongs, was marked for swift destruction.

The Legislature assembled; it threw out the Free State members who held certificates from Governor Reeder; it passed laws violating the rights of a free people; it violated the freedom of speech and of the press; it denied to the people the right to go to the ballot-box, unless they took a test oath that no freeman could take without degradation. Those laws would not allow a man to sit in a jury-box, if he denied the right to hold slaves in the Territory. These laws were intended (to use the language of one of the leading men who imposed them on the people) to degrade and drive out of the Territory the Free State men. What were freemen to do under such circumstances? They had been brought up in the belief that the people were the inherent source of power—that all power came from the people, in their sovereign capacity. They had read the Kansas-Nebraska act, and they supposed that act conferred on the people, without the intervention of a Territorial Legislature or of Congress, the right to come together to frame a Constitution, and to ask for admission into the Union as a sovereign State. The people of other Territories had framed such Constitutions. They assembled in Convention, they framed such a Constitution, they submitted that Constitution to the people, and it received the popular verdict. They elected their officers under it; they chose their Senators, and sent them to this Chamber to ask for admission into the Union. They undertook to enforce no laws, and from that time to the present they have kept that Topeka Government in existence; they have framed some acts necessary for its preservation, but from that day to this they have never attempted to

enforce those laws. I declare here to-day what I know personally to be absolutely true, and I declare it in the face of the declaration of Gov. Walker and of the President, that the presence of your army in that Territory, the proclamations of your officials, the action here in the Senate and the House of Representatives, have not prevented that people from putting those laws in execution; but they have acted according to their own well-chosen and deliberate policy. They never intended to go into rebellion; they never intended to enforce these laws against the laws of Congress. They have always denied the validity of your Territorial laws, which were imposed upon them by fraud and force; they have not used them for the protection of their liberties or their lives. Young men who went to that Territory to practice their professions have, from conscientious scruples, engaged in the most common labors of life, rather than acknowledge those laws, or take the oath to support them. The masses of the people of that Territory, from that time to this, have never acknowledged those laws as binding on them; they have never claimed their protection. They have been outraged, robbed, imprisoned; they have seen their dwellings burned down; they have been invaded; many of their fellow-citizens have been murdered, because they loved liberty; but they have not invoked the protection of those laws. They never have, they never will, they never ought to do so. No man here would ever submit to them, or claim their protection, or use them for his own personal protection.

The President, in support of this charge of rebellion, quotes the evidence of Governor Walker. Governor Walker, sir, went to that Territory as the President's instrument, to accomplish a certain purpose. He was appointed Governor of Kansas on the 30th of March, 1857; he entered the Territory on Sabbath evening, the 24th of May. Much of the intervening sixty days of time was spent by the Governor in making speeches, and writing letters magnifying his great mission. I went to the Territory, from St. Louis, in company with Governor Walker; I saw him at Lawrence; I saw him when he was welcomed by the people of "rebellious" Lawrence in a generous way, of which any man might be proud; I was at Lecompton, the capital, when he arrived there. Governor Walker went to Kansas, and his own letters demonstrate it, on this mission to divide the people who were in favor of a free State, to unite the Free State Democrats with the Pro-Slavery men, and secure the slavery then existing in Kansas, and make it a Black-Law, Pro-Slavery, Democratic State. That was his mission; and no man in America could have labored more faithfully to accomplish that object. He went to that Territory a Pro-Slavery man, in favor of the Pro-Slavery policy of this country; and in his inaugural address to the people, in view of the fact that it might become

a free State, he said that the great Indian territory of the South would be slave territory, and that slave States might be made out of it. I was there when that address was issued; and although we are told now that everything in the Territory was in a state of excitement bordering on rebellion, I say here to-day, that there was no spot on the North American continent where there was more quiet than existed, on the 1st of June last, in the Territory of Kansas. Rebellion existed only in the teeming brain of Governor Walker.

Sir, when Governor Walker arrived in Kansas, the persons appointed to take the census and to enroll the voters had not performed their duty in about half of the counties of the Territory. The Free State men, under the lead of Governor Robinson and other leading men, made a proposition to acting Governor Stanton, before Governor Walker arrived, to go into the election of delegates to the Convention, if they could be enrolled, and the ballot-boxes so protected that there should be no invasions and no fraudulent voting. They did not wish to commit themselves in that election, and find at the polls what they found at the polls on the 30th of March, 1855—an invading host of illegal voters, to rob them of their rights. Secretary Stanton, who was then acting Governor, to whom this proposition was made, answered these gentlemen by saying he had no power to correct the list of voters, and he could do nothing to aid them. Some of the people, in some of the counties where the officials had refused to take the census or to register the voters, made an application to go on and elect their delegates; and it was suggested to them that they could do so, and that their delegates might be accepted by the Convention. When the day of election came, less than twenty-three hundred men went to the polls to vote, about one-ninth part of all the voters in the Territory.

When the result of this election was known in the Territory, it was believed by intelligent men of all parties that the Convention would never assemble; that it had gone down beneath the moral sentiment of the people; that it was an ignominious and contemptible failure.

The President quotes Governor Walker's hasty and ill-timed language in regard to the action of the people of the city of Lawrence, to show their rebellious spirit. We were told here, the other day, by the Senator from Georgia, that the city of "Lawrence was the sink of filth, folly, and falsehood." Sir, I venture to say, that there is not a town in the United States, north, south, east, or west, of the numbers to be found in this town of Lawrence, containing more of individual worth, or personal character, or general intelligence. I venture to say that there are more college graduates in that town than in any town west of the Alleghanies of equal population. The people of Lawrence are a law-abiding, liberty-lov-

ing people. Having lived for two years without the protection of law, having been robbed and plundered, and being desirous of doing something for their own local interests, the people of that town, in July last, framed and adopted a city charter. The people there are all on one side; there are, I think, only two or three Slave State men there, and no one intended to enforce any laws on them. It was a charter framed by common consent. The laws under it were intended to be executed by common consent. The committee of the people say, in their address:

"As its action will be purely local, and have reference merely to our own internal affairs, no collision is apprehended with any other organization claiming to exercise general jurisdiction in the Territory."

They did not intend to violate the laws of the Union or of the Territory. The Governor moved the troops upon that town, and pronounced their acts rebellion; but the people went right on. They framed their ordinances, they put their ordinances in execution, while his army was encamped on their soil; and from that time to this, they have peacefully and quietly administered their own local town affairs, and have harmed nobody in or out of the Territory. This simple act, performed by common consent, having the assent of the whole people, intended to operate only in their own local affairs, was pronounced by Gov. Walker as the greatest rebellion the world had ever witnessed:

"A rebellion so iniquitous, and necessarily involving such awful consequences, has never before disgraced any age or country."

This ridiculous declaration is only equalled by his ridiculous action in moving the army on Lawrence. The Governor tells us that this town of Lawrence was the hot-bed of the Abolitionists of the East, that paid agents of those societies were there. I deny the fact that paid agents were in the town of Lawrence, of any Abolition society, East or West.

The Legislature imposed on Kansas by lawless violence provided that the people should vote in October, 1856, whether they would call a Convention to frame a Constitution. In October, 1856, the vote was taken, and about two thousand votes were given upon that question. Test oaths were then demanded, and the Free State men would not vote. Sir, the President sharply censures the people of Kansas for not voting for the election of delegates to the Convention. The Legislature, in the winter of 1857, passed the Convention act. The plan was to make Kansas a slave State. The time, the mode, and the machinery, were all selected, with the skill of political tricksters, to secure that result. Governor Geary vetoed the act, because it contained no clause authorizing and directing the submission of the Constitution to the people, for their ratification or rejection. In a recently-written letter, Governor Geary tells us that—

"In a conference with the committees of the two Houses by whom the bill had been reported, I proposed to sign the bill, provided they would insert in it a section author-

izing the submission of the Constitution as above indicated. But they distinctly informed me that the bill met the approbation of their friends in the South—that it was not their intention the Constitution should ever be submitted to the people, and that to all intents and purposes it was like the laws of the Medes and Persians, and could not be altered."

Governor Geary tells us that he was informed that the reason why the Constitution was not to be submitted to the people was, that their friends in the South, who were in favor of making Kansas a slave State, required that it should not be submitted. Their friends in the South were wise in this respect. They believed they could control the election of the delegates to the Convention; but they knew that if the Constitution was submitted to a fair vote of the people, the people, by an overwhelming majority, would vote it down; and they then demanded, if we are to believe these gentlemen of the committees of the two Houses, that the Constitution should not be submitted to the people. Why did gentlemen from the South demand that the Constitution should not be acted upon by the people? They knew that the people were in favor of making Kansas a free State; that they would vote down any Constitution that did not make Kansas a free State; and therefore the people must be robbed of their right to vote on their own Constitution.

The President sent Governor Walker to the Territory with the promise, with the assurance, that the people should vote upon the Constitution. Governor Walker, in his letter of acceptance, says that he understands the President and the Cabinet to be committed to that policy. Governor Walker went to the Territory, and in his inaugural address promised the people that "unless the Convention submit the Constitution to the vote of all the actual resident settlers of Kansas, and the election be fairly and justly conducted, the Constitution *will be, and will ought to be rejected by Congress.*"

What was the effect of these declarations on the people? The people said, "the census has not been taken; the registry has not been honestly made; we shall be cheated, if we go the polls to elect delegates to this Convention. We do not wish to commit ourselves, and then be cheated and defrauded. We will let them elect their delegates to the Convention, frame their Constitution; and when they submit it to us, we will vote it down." That was the sentiment of the Free State men throughout the whole Territory, and all the evidence goes to show it. I know it to be so by my own personal experience in that Territory. I know it to be the sentiment of the leading men and of the people.

We are told by the President, that the reason why they did not vote was that they wanted to enforce their Topeka Constitution; that they wanted to frame laws and establish their rebellious Government! Sir, they had a Convention on the 9th of June, before the delegates were elected to the Lecompton Convention, and they voted, with only one solitary exception, against putting the laws framed under the Topeka

Constitution in force. The people intended nothing of this kind; but they decided to elect their officers under the Topeka Constitution, to keep that Government alive for protection in the last resort, and then resolved to go into the October election under protest. They went into the October election, and carried the Legislature and Delegate to Congress.

Now, sir, I wish to call attention for a few moments to Governor Walker's course in regard to the October election frauds. The President quotes Governor Walker when he sustains his theory, but he does not quote him when Governor Walker's testimony goes to show that the people of Kansas have been cheated and defrauded. For promising that the people of the Territory should have the right to vote on their Constitution, Governor Walker was assailed in all the slave States. I think some Senators demanded that he should be removed. He was denounced throughout the Southern States by a class of public men and by a class of public journals for having promised that the people of Kansas should have a fair opportunity to vote for the adoption or rejection of the Lecompton Constitution. The Administration which gave him that assurance quailed beneath this denunciation from the slaveholding States. It changed its policy, abandoned Walker, and betrayed the people of Kansas.

When the October election came on, there were stupendous frauds perpetrated at Oxford and in McGee county. These fraudulent votes, if counted, would have settled the character of the Territorial Legislature. Governor Walker could not give his sanction to those frauds. What did he do? He investigated the frauds at Oxford, and the frauds in McGee county, and threw out the fraudulent votes. For that act, for throwing out these palpable frauds, for throwing out the list made up out of the Cincinnati Directory, in which it is said Governor Chase's name was included—for performing that act of justice, Governor Walker was assailed from one end of the Southern States to the other, by politicians and presses. Men who had sustained the invasion of the 30th of March, 1855, of four thousand nine hundred men from Missouri; men who had refused to investigate those frauds; men who had upheld the laws enacted by the Territorial Legislature; men who had sustained the use of the army in the Territory, and all the acts which have transpired in that Territory—these men denounced Governor Walker for throwing out frauds that prevented them, as they thought, from consummating the iniquity of dragging Kansas into the Union as a slave State.

We are told by the President that the people of Kansas have had a fair opportunity to vote on the Slavery question. I am surprised that the President of the United States has so little regard for the intelligence of the Senate and the country, and for his own reputation, as to make a declaration of that character. The

people of Kansas had a fair opportunity, he tells us, to vote on the 21st of December last, for or against Slavery. Sir, they had no such opportunity; and the President of the United States, if he does not know it, ought to have known it. Both Constitutions were slave Constitutions. The slaves in the Territory, it was declared by the Lecompton Constitution, were property; and—

"The right of property in slaves now in the Territory shall in no manner be interfered with."

"No alteration shall be made to affect the right of property in the ownership of slaves."

These provisions went into your Constitution with no Slavery! There are about three hundred slaves in the Territory of Kansas. This Constitution with no Slavery recognises the existence of the right of property in those slaves, and declares that in no manner shall that property be interfered with. In any proposed amendment to the Constitution, we are told "that no alteration shall be made to affect the right of property in the ownership of slaves." That was the Constitution with no Slavery.

Then we have the Constitution with Slavery; and I assure Senators that I am as ready to have your Lecompton Constitution with Slavery, as your Lecompton Constitution without Slavery. Your Constitution without Slavery recognised Slavery in the State, declared that it should never be interfered with, made it eternal. Such was the Constitution without Slavery. What a mockery is it to tell the people of Kansas that they had an opportunity to vote for or against making a slave State.

But we are now told by the President that we can change this Constitution before 1864. I have no doubt of that. I believe the people have the right to change their Constitution when they please, and just how they please. But what security have we that the men who have been retreating for the last ten years from the Wilmot proviso, down to the doctrine that Slavery exists in the Territories by the Constitution of the United States, as much as it exists in Georgia or South Carolina—what security have we that the President of the United States, that the Congress of the United States, that the Supreme Court of the United States, will not declare that this constitutional provision cannot be changed, that it is of binding force in the new State, and is the eternal law of that State, beyond the reach of the people? I know there are men in the country who have already proclaimed this to be true. You can find in the Southern presses the doctrine that the people have no right to change it. It is held to be a sacred contract of binding force forever. If the slave-drivers of the South put their foot down, and demand that this shall be the accepted doctrine of the Administration and the Pro-Slavery Democratic party, the Administration and the Pro-Slavery Democratic party, with all the branches of authority, will adopt it as readily as they have adopted any of

the monstrous heresies of the past. I have no faith in their promises or declarations. I know that this Administration came into being as the agent of the slave propagandists; that by them it lives, moves, and has its being; and without their support it would perish in one hour. Whenever the slave power makes a demand on this Administration, or on the Pro-Slavery Democratic party, that demand I know is first resisted by a portion of them in the North, but they surrender in the end. No man can maintain his manhood, and continue to enjoy the confidence of the Africanized Democracy of this age.

If we had said, Mr. President, twelve years ago, that the Democratic party, which then, in both Houses of Congress, stood up here for the glorious doctrines of the Ordinance of 1787, would have retreated from that doctrine, and come down, down to the doctrine that the Constitution of the United States carries Slavery wherever it goes, all over the Territories; that wherever it goes, it carries chains and fetters for men—they would have justly regarded it as a libel upon them. They have only got a step or two further to go. They have only got to declare—and they have raised the question in the judicial tribunals of the country—that they may take their slaves *in transitu* through the free States, and then come to the final doctrine enunciated in the *Union* a few days ago, that these doctrines, legitimately carried out, would prevent the abolition of Slavery in the States by the State Constitutions. I believe they intend to come to that. I believe the slaveholding interest will ultimately demand the right, not only to carry their slaves into the Territories, and hold them there, but they will demand the right to carry their slaves *in transitu* through all the States, and then to set up the doctrine which we find in the Kansas Constitution, that slaves are property, that property is above all Constitutions and all laws, and that you have no right, by constitutional action, or any other action, to abolish Slavery in the States. Then we shall be an Africanized Republic.

The President tells us that the people of Kansas, on the 4th of January, by voting for the election of officers under the Lecompton Constitution, recognised its validity. If the people of Kansas refuse to vote, they are denounced as rebels that have no rights, and they are held to be bound by the will of those who do vote. If they do vote, then they recognise the validity of this Constitution. The President will not be satisfied with their action, any way. The Legislature, finding that this Constitution was not to be submitted to the people, assembled, and summoned the people to the ballot-box, on the 4th of January, to give their votes for or against the Constitution. By the provisions of that Constitution, there was an election to take place on that day. The Free State men went to the ballot-box, and by from eleven to twelve

thousand votes, voted down that Constitution. They wanted to make another protest against it; and what were they to do? They could not vote against the Lecompton men for State and Legislative officers, without putting up men of their own, and electing those men over them. They nominated a ticket. They went into that canvass to vote down that Constitution, and to vote down the men who supported it. This vote of the people of Kansas against these men, and for the election of Free State men, was an additional protest against your Lecompton swindle; and it is a perversion of fact, a perversion of truth, a perversion of all that is just, for any man, be he President, Senator, or Representative, to charge that the people of Kansas, by voting for the election of officers, under the Constitution, intended in any way to give their sanction to it. These men went to the ballot-box, on the 4th of January, to blot out forever the Lecompton Constitution. They knew the people were against it by an overwhelming majority—of five or six to one. They meant to overthrow Calhoun and his corrupt minions in that Territory, who have violated law and justice, who have stained their names and lives by frauds and outrages. They meant not only to vote down the Constitution, but to crush out the men who were endeavoring to force it upon them. The only way to do that, was to elect men, pledged against the Constitution, and who would come here, as they already have done, and ask you, ask Congress, ask the country, to reject it as a fraud on the people. Yet this act, proclaimed to the country and to the world, the President of the United States misrepresents and perverts.

Sir, we have had enough of these petty quibbles in Congress, without expecting them to come from the other end of the avenue. We have had the pleading of technicalities, all the little technicalities and specialties put in on a great question of public policy. All the outrages in Kansas have been perpetrated under the color of law. Tyrants always rule under the color of law. Instead of asking “what is the opinion of the people? what do they want?”—instead of ascertaining what the public will is, we have had Senators, Representatives, and now we have the President, quibbling on technicalities and forms, by which the substance is to be lost to the people.

We have the evidence of Governor Reeder, of Governor Geary, of Governor Stanton, in a paper recently published, and of Governor Walker, that outrages and frauds have, from time to time, been perpetrated in the Territory of Kansas. Now we have before us the fruits of all these frauds and all those wrongs. Senators here object to their final consummation. The Senator from Illinois, [Mr. DOUGLAS,] who introduced the measure for the repeal of the Missouri Compromise, who for four years has stood here, and before the country, as the champion, the acknowledged champion, of that

policy—a man who, during the struggles of the last three or four years, has led here, as he had a right to lead, the supporters of this policy in the Territory of Kansas and in the country, asks that these frauds shall not triumph; that these wrongs shall not be finally consummated. He asks that the people of Kansas may have an opportunity to vote upon the Constitution, for or against, before admission into the Union; and because he has paused now, because he simply asks that the people shall have the right to vote in framing a Constitution for their own government, he is denounced from one end of the country to the other, by the supporters of the policy indicated by the President in this message. He has not uttered a word or written a line endorsing the views that we on this side of the Chamber hold on the question of Slavery; but because he now demands that the plighted faith of his party shall be redeemed, that the people shall have the right to vote on their own Constitution, he is hunted down in the Senate and in the country. Already he is branded in some sections of this Union as a Black Republican, or the ally of the Black Republicans. Black Republicanism seems now to be this: any man is a Black Republican who refuses to support the last iniquity, the last crowning act of infamy. No matter though his whole life has been devoted to the interests of Slavery, if he pauses now, if he refuses to allow Slavery to triumph by palpable frauds, he is to be crushed for that act, and to be read out of the Democratic party.

The Governor of Virginia—that Governor who was ready to dissolve the Union in 1856 if Fremont was elected, who was ready to call out his militia, and who boasted that they would “hew their bright way through all opposing legions”—has pronounced these acts in Kansas “unveiled trickeries” and “shameless frauds,” which the people of Virginia would scorn. For that declaration he is denounced in Virginia and throughout the country. You have had Reeder, Geary, Stanton, and Walker, sacrificed. Now you propose to sacrifice the distinguished Senator from Illinois, and the hardly less distinguished champion of the Pro-Slavery Democracy of the Old Dominion. You propose to drive everybody out of this Administration party who refuses to consummate this last iniquity, to make effective this last crime in the interest of Slavery.

I hope, Mr. President, the motion I have made to instruct the Committee on Territories to investigate everything connected with the formation of the Constitution of Kansas, will be adopted by the Senate. If Senators are disposed now, at this time, with all these frauds, all these wrongs, before this nation, to investigate and be guided by the facts, the country will give them the credit of being actuated by a sense of justice. The ear of this country is pained with the crimes and frauds that have been perpetrated in Kansas. No man, here or

elsewhere, can doubt them for a moment. The voice of the people of Kansas comes here in a thousand ways, and asks us to reject the application, because it has been framed and carried through in violation of the public will.

I say, then, that if we reject this proposition to instruct the committee to go into a full and thorough investigation, it will be understood in Kansas and in the country, and throughout the world, that the Senate of the United States sanctions the frauds by which a Constitution, made by a small and contemptible minority, under the lead of Government officials, has been forced upon the people of Kansas, contrary to the clearest expressions of the popular will. If the Senate shall refuse to institute the most searching inquiry into all the matters concerning the formation of this Constitution, it will stand before the world, and go down to after ages, associated with the men who have, by violence and fraud, forced the accursed system of Slavery upon a reluctant people.

Remarks of Mr. Wilson, in Reply to Mr. Brown, of Mississippi, on the 4th of February, 1858.

MR. WILSON. Mr. President, the Senator from Mississippi has told the Senate and the country that he loves old wine better than old speeches. The Senator and myself differ in our tastes. I love old truths better than old wine. I was led to suppose, from the declaration of the Senator, that we were to have nothing old, stale, or threadbare, in his speech; that we were to have something original, fresh, racy, brilliant—something that was to thrill the Senate, charm the galleries, electrify the nation, and carry the Senator’s name all over the country, to receive the admiration and applause of the people. I have listened to his speech, to his declarations, to his assertions, to his iteration of old errors, oft refuted in this Chamber and in the other; and I am sorry to admit that I have heard nothing new, original, or striking—nothing which the Senator might not have found in the old speeches he so abominates. There is one declaration, however, which seems to me to have something of originality about it. He told us that he did not expect to make any converts on this side of the Chamber. This modest avowal of his expectations brings to mind a couplet of Pope’s, that we should

“In every work regard the writer’s end,
For none can compass more than they intend.”

After listening to the Senator’s long and labored speech, I am sure that we shall all admit that he has not, in this case, compassed more than he intended. The Senator could hardly expect to win any converts on this side of the Chamber, to his principles or to his sentiments, by logic so often refuted, or by the iteration of palpable errors.

The Senator assured us that he approved of the President’s message, but that he did not expect us on this side of the Chamber to approve it. I did expect him to approve it, and I am not

disappointed; for the message is a complete and absolute public surrender, by the President of the United States, to the principles, the doctrines, the policy, and the sentiments, of the slaveholding propagandists of this country—of men who are now, and have been during the past few years, pursuing a policy looking to the ultimate triumph of the slaveholding interest in this country, or to the dissolution of this Republic, and the establishment of a Southern Confederacy, based on military principles.

The Senator supposed, he tells us, that we would not endorse these doctrines, because we were sectionalists—we were the sectional Republican party! Sir, what principle have we avowed, that is not incorporated into the Declaration of Independence, the Constitution of the United States, and the grand old Ordinance of 1787, which received the sanction of the framers of the Constitution, and the great national men of the Republic? What policy have we avowed, that has not received the sanction of Washington, of Jefferson, and of the great men of the country, North and South? I say to-day that we have not avowed a principle, declared a policy, or pronounced a sentiment, here or in the country, that has not received the sanction of the mightiest men of this Republic, from 1775 up to within the last few years. We have declared everywhere that Freedom is national; that the doctrines of human rights underlie our free democratic institutions; that all our institutions grow out of the absolute recognition of the equal rights of all men. We have maintained that in the Territories, under the national authority, under the protecting folds of the national flag, Freedom and free institutions for all men go where the flag of the Republic goes. We have acknowledged that the system of Slavery is nothing but a municipal institution, founded on State law, and limited to State lines. This was the doctrine of all the fathers of the Republic—of all the great statesmen who have associated their names with the liberty, honor, and renown, of the Republic.

There was a time when these sentiments and opinions were deemed national by the people of the country, and by the statesmen of the country, North and South. Repudiated, spurned, proscribed now by the Senator from Mississippi and his political associates, the time is not far distant when these sentiments and opinions of the fathers will again animate and guide the sons. To that dawning future we calmly appeal from the verdict of the Senator from Mississippi and his slave extorting compeers.

Standing on these national doctrines, animated by these ideas and sentiments, we have not assumed to control the slaveholding States of this Union. We have recognised State rights, but we have claimed authority to save the Territories of this Republic forever to free men and to free institutions. Do you call this sectional? If it is sectional, Washington, Jefferson, Madison, and Monroe—all the great men of the past—

were sectionalists. This charge of sectionalism comes with an ill grace, especially from the Senator from Mississippi. Eight years ago, in the other House, when California had framed a Constitution which had received the sanction of her whole people, organized a State Government, and came here and asked for admission, the Senator from Mississippi promptly took the floor, and resisted her admission, because it would disturb the equilibrium between the free and slave States of this Union!

Mr. BROWN. I have no objection to the Senator's stating his position, but I do object to his giving my reasons for it. I would rather do that myself. I did object to the admission of California into the Union, and I did it because her Constitution was not formed through any legal agency proceeding from Congress or anywhere else; because the Convention which made the Constitution was assembled upon the motion of a military Governor, not authorized to exercise over the country even civil control. He appointed the time, place, and manner, of holding the election. I thought it an irregularity so gross as not to be overlooked. I thought that was very much like the Dorr case, or the Brigham Young case.

Mr. WILSON. I will call the Senator's attention to one of his old speeches; and I commend him to the study of old speeches, especially his own. I like my old speeches, because I always intend they shall be so sound in principle, correct in sentiment, and accurate in fact, that I can refer to them with safety.

In the speech before me, the Senator from Mississippi, while he opposed the admission of California for the reasons he now states, opposed it also avowedly on the ground that it would destroy the balance between the free and the slave States. This doctrine of the balance between the North and the South came from the brain of Mr. John C. Calhoun. There is nothing national in it. It is a sectional idea, proclaimed in support of a sectional interest and a sectional institution. A balance between the North and the South! A balance between the seventeen millions of Northern freemen and the seven millions of Southern freemen! A balance between the minority and majority of the country! The whole doctrine is anti-democratic, is local, is sectional in all its aspects, and should be scouted from this Chamber and from this country, as a doctrine at war with our republican institutions and our republican ideas. But, sir, to the old speech of the Senator from Mississippi, and I commend him to the reading of his old speeches. He said:

"What, Mr. Chairman, is to be the effect of admitting California into the Union as a State? Independent, sir, of all the objections I have been pointing out, it will effectually unbalance that sectional balance which has so long and happily existed between the two ends of the Union, and at once give to the North that dangerous preponderance in the Senate which ambitious politicians have so earnestly desired. The admission of one such State as California opens the way for, and renders easy, the admission

of another. The President already prompts New Mexico to a like course. The two will reach out their hands to a third, and they to a fourth, fifth, and sixth. Thus precedent follows precedent, with a locomotive velocity and power, until the North has the two-thirds required to change the Constitution. WHEN THIS IS DONE, THE CONSTITUTION WILL BE CHANGED. That public opinion, to which Senator Seward so significantly alludes, will be seen, and its power will be felt; universal emancipation will become your rallying cry."

Here, sir, we have the declarations of the Senator from Mississippi, against the admission of the new State on the shores of the Pacific, because its admission would "unhinge the sectional balance between the two ends of the Union!" Yet the Senator, with this old speech of his on the record, assumes to read lectures to me—to denounce me as a sectionalist. Can assurance go further?

Sir, the Senator "abominates old speeches," but I must call his attention to other avowals in this old speech of his:

"My own opinion is this: that we should resist the introduction of California as a State, and resist it successfully; resist it by our votes first, and lastly by other means. We can, at least, force an adjournment without her admission. This being done, we are safe. The Southern States, in Convention at Nashville, will devise means for vindicating their rights."

That disunion Convention, which met, as Mr. Webster said, over the grave of Andrew Jackson, were to settle it. The Senator who taunts me with being actuated by a sectional spirit, would throw California out of Congress, and appeal to the sectional, disunion Nashville Convention. This is a specimen of his nationality, and a fine specimen of nationality it is!

"I do not know what these means *will* be, but I know what they *may* be, and with propriety and safety. They may be to carry slaves into all of Southern California, the property of sovereign States, and there hold them, as we have a right to do so; and if molested, defend them, as is both our right and duty.

"We ask you to give us our rights by NON-INTERVENTION; if you refuse, I am for taking them by ARMED OCCUPATION!"

Yes, sir, the Senator then was for keeping California out of the Union, going to a disunion sectional convention, and sending slaves to populate California, and defending them by force if the people there objected!

Now, the Senator says that I and those who act with me are sectionalists. I have referred to our principles and our policy, and I appeal to Senators on the other side of this Chamber to say if the Senators on this side, from the time they came here to this hour, have not, in all our legislation connected with the affairs of this country, looked over this broad land, and given our votes for your interests, for the interests of the South, as much as we have given them for the interests of the North? Senators, you know it! The records of the country prove it; and they contain, too, your confessions and admissions that it is so.

But the Senator from Mississippi says our policy tends to build up two great interests in the country; that we shall have a united North and a united South, and that this is to lead to a dissolution of the Union. The Senator now makes professions of devotion to the Union. In

the speech from which I have quoted, the Senator says that, while we of the North have been making professions of devotion to the Union—

"Our people have been calculating the value of the Union * * * I tell you candidly we have calculated the value of the Union. 'Love for the Union will not keep us in the Union.'"

He flippantly told us that they had "no fear" of the dissolution of the Union, and that the South could maintain its power. The whole tone, temper, and sentiment of the speech, look not to the support of the Union as our fathers made it, but to the triumph of a sectional Southern policy, to the expansion of Slavery, to the domination of the Slave Power, or to the ultimate overthrow of the Government of this country.

I think there will soon be a general union in the North, as there is now in the South. We are fast coming to it; and let me tell the Senators on the Administration side of this Chamber, that if they consummate, if they support—whether they succeed or fail—the bringing of Kansas into the Union under the Lecompton Constitution, with a knowledge of all these monstrous frauds scattered over the land, comprehended by the whole country, they will do more to unite all honest, liberty-loving, God-fearing men in the North, than has been accomplished by any act ever adopted by this Government. Your Kansas-Nebraska policy of 1854 shivered to atoms that great Whig party which had battled, sometimes successfully, for power here, under the lead of some of the most accomplished statesmen of the country. Another party sprang up—the American party. It paused, it faltered, and it went down under the general judgment of the people of the free States. The Republican party rose in one year from a few thousand men, and gave at the last Presidential election one million three hundred and forty thousand votes. It came much nearer than you wished it to do, taking the control of this Government—of this country. Go on, gentlemen of the slaveholding States, in your avowed policy of Slavery expansion and Slavery supremacy, by forcing Kansas into the Union under the Lecompton Constitution, against the known will of the people of that Territory, and their earnest appeals to your sense of justice, truth, and honor, and you will arouse the people of the North, already deeply incensed by your policy, by the violence and frauds your creatures have perpetrated in Kansas, to rise in the majesty of conscious power, thrust your subservient allies from power, take the Government, and overthrow forever you and your policy. I tell you here to-day, that your support of this gigantic crime against the liberties of the people of Kansas is bringing upon you the condemnation of the country and the world.

Sir, the people of the free States now comprehend your policy, and your purposes of Slavery expansion and Slavery domination, and they are preparing to baffle and defeat you.

They will triumph. Doubt it not. The opinions they entertain, the policy they avow, the sentiments which swell their bosoms, are deepening and spreading all over this land. Those opinions and sentiments will unite the Northern people. They will spread over the slave line as they have done, for they have gone into Missouri; they have brought into the other House one of the ablest and most accomplished members of that body, from the Southern State of Missouri. Sir, they are to pass over Southern lines. These sentiments and opinions cannot be hemmed in by lines of latitude or of longitude. They will yet be adopted by fair-minded and honorable men everywhere, who love their country, who love justice and liberty; and whenever anybody shall raise the black flag of Slavery and disunion in the South, he will find, leaping from the ranks of the people, thousands of patriotic men who will stand by this Government and defend it.

The Senator from Mississippi tells us that the first troubles in Kansas grew out of the formation of the Emigrant Aid Society. That Society, he tells us, came from a secret Congressional organization. The Senator is mistaken in his facts. The secret Congressional circular to which he refers was issued in the summer days, after the passage of the Kansas-Nebraska bill. The bill incorporating the Emigrant Aid Society was introduced into the Legislature of Massachusetts in March, 1854—more than sixty days before your Kansas-Nebraska act passed. It passed the Legislature of the State, and received the sanction of the Governor, in April—forty days before the Kansas-Nebraska act passed Congress. Instead of this secret circular being the father of the emigration movement, you might turn it around the other way, and say the emigration movement created this secret Congressional movement. The Senator is mistaken in this assertion. I commend him to the study of old facts.

Then the Senator dwells on the fact that the Emigrant Aid Company was incorporated with a capital of \$5,000,000, only \$20,000 of which could be used in the State. Does not the Senator know that the Emigrant Aid Society was never organized under that act at all? No organization under it took place, but the corporators went to the next Legislature, and got a new charter, with a capital of \$1,000,000. That \$1,000,000 of capital is mostly on paper. The company have a capital of \$110,000 paid in, and it has been invested mostly in mills, churches, school houses, and lands. They never, from the days of their organization to this hour, sent a man into the Territory of Kansas—not one; no sir, not one to vote. They have sent no arms into the Territory; theirs has been a mission of peaceful industry. I tell the Senator here now, that this company organized emigration; that it reduced the expenses of going there thirty or forty per cent.; and that is all it did. They have never asked whether a man

was for or against Slavery. The first company that went to the Territory got there on the 5th day of August, 1854. It was a company of thirty men, who started for the Territory under the auspices of Mr. Thayer, now a member of the House, and who originated the movement. During the autumn of 1854, a few hundred persons availed themselves of this organization to go to the Territory, as emigrants, to live there.

The Senator from Mississippi tells us that the Senator from Illinois [Mr. DOUGLAS] charged that they committed misdeeds on going there. We denied it then. He did not prove it. Those who make charges of that kind against men are bound to prove those charges true. These men are presumed to be innocent until they are shown to be guilty. I say there is no evidence before this country that any man who went there under the auspices of the Emigrant Aid Society, ever performed any illegal act on his way there, or in that Territory. They were as law-abiding, upright, conscientious men, as can be found in any part of New England, or of this country. They were the picked men of New England. Those emigrants who went out under the auspices of that Emigrant Aid Society averaged better than the people who remained at home. They were the intelligent, upright, law-abiding young men of Massachusetts and of New England. From the time they went there to this moment, you can find no record, in or out of the Territory, that they have violated laws of the United States—that they have ever committed any offence, or ever been arrested or punished for any offence. They stand before the country as those old Pilgrim Fathers stood, who landed at Plymouth in 1620, and they are animated and guided by as elevated motives and as lofty aims and purposes.

But the Senator from Mississippi would have us understand that those "irregularities," as he mildly designates the violence and frauds which transpired in that Territory in regard to the election of 1855, were brought on by these men. Does not the Senator from Mississippi know—if he does not know it, he ought to know it—that the House of Representatives sent a commission to that Territory; that they thoroughly investigated the whole subject; that they examined the names of the two thousand nine hundred voters residing in the Territory; that they found how many of those men voted; that they saw on the poll-books the names of four thousand nine hundred men who went there from Missouri; that there is no mistake about these Missourians voting on the 30th of March, 1855; that this fact is as clear as mathematical demonstration? Senators may smile; but this fact has been proved, absolutely proved, and no man can deny it. This fact is also proved: that from the closing of navigation, in the autumn of 1854, up to the day of election, on March 30th, 1855, there went into that Ter-

ritory 'but one hundred and sixty-six men, women, and children, under the auspices of the Emigrant Aid Society. Ninety-seven of these were men, and thirty-seven only of all of them voted at that election. Thirty-seven men, under the auspices of the Emigrant Aid Society, voted on that day. From the time of the organization of that society up to this hour, no men have gone out under its auspices to vote. Those persons under the auspices of the Emigrant Aid Society went to the Territory emigrants, and not for the purpose of voting.

The Senator from Mississippi seems to think there was nothing very wrong in the election of the 30th of March. Why, sir, it has been proved that only fourteen hundred actual residents of the Territory voted, that over seven hundred of them voted for Free State men, and that the Free State men had a majority of sixteen out of eighteen districts of the actual voters. Even the town of Lawrence gave eight or nine hundred votes! They were cast mostly by the Slave State men who went there from Missouri. There were but two or three Slave State men in that city; one was the Postmaster, but he could not go for these crimes, and the Administration found it out, and turned him out of office. These facts stand on the records; they have been proved to the country. They were first denied, then apologized for. These frauds did take place, and they vitiated everything in the Territory from that time to this; they have been the prolific source of all the strife which have marked the history of the Territory.

The Free State men, overborne by this invasion, felt that their rights had been taken from them, that they were outraged; they saw that a Government was organized which put them all under the ban—a Government that required a test oath. They saw a Government organized by fraud, and sustained by force; they saw they had no power; that they were as absolutely powerless as were the people of the tyrant of Naples. The doctrines of the fathers had taught them that the people were the source of power; that, in the language of Alexander Hamilton, "the streams of power came from the pure, original fountain of the people." They believed, with Mr. Jefferson, that the "majority had a right to depute delegates to a Convention, and to make a Constitution for themselves." They believed in your Kansas-Nebraska act, and I suppose they were the only people in America who had any abiding faith in it; for it appears that the Senator from Mississippi and most of his associates have none, and I do not know anybody on this side of the Chamber that was ever deceived about that act. They, by an act of original inherent sovereignty, called a Convention; they framed a Constitution; they had it endorsed; they have been denounced as rebels for that act, and for passing laws enough to keep up the organization, so that if they were ever driven to it, they might use that organiza-

tion to defend their lives, their liberty, and their property. They have never attempted to enforce one of those laws, and yet the Senator from Mississippi denounces their acts as rebellion! Rebellion! Why, sir, did Michigan rebel in 1836? Did not her people establish a Government? Did they not drive out, or rather turn out, by the expression of the popular will, the Governor sent there by Andrew Jackson? Did not Andrew Jackson sustain them? And did not James Buchanan, in this Chamber, defend them? Did he call it rebellion then? The people of the State of California formed a Constitution without authority. Were they rebels? Minnesota has framed a Constitution with your leave. She is framing laws under this Constitution, before her admission into the Union. Are her people rebels? This charge of rebellion against the people of Kansas has nothing of truth in it. It is a libel, a slander, come from what source it may.

The Senator tells us that the people ordered this Constitutional Convention. The first Legislature, chosen by the men from Missouri, passed a law that in October, 1856, the sense of the people should be taken. In October, 1856, a vote was taken, and about two thousand three hundred men voted on that occasion. On the day on which the vote was taken, laws were on the statute-book, requiring a test oath, an oath to support the hideous fugitive slave law; and no man of principle or honor would take that revolting and degrading oath, so none could vote. Do you suppose that liberty-loving, God-fearing men, would take that infamous oath? Then every ballot box was in the hands of men appointed by this Territorial Legislature. The people had been to the polls once, and they met an armed invasion; they were cheated, overborne, and defrauded. Laws had been passed, requiring this test oath to be taken, and taxes to be paid, and the voters were to be given into the hands of men who had cheated and robbed them of their rights. Of course, the people of the Territory did not vote. They would have been craven spirits if they had voted.

Then, Mr. President, the Legislature assembled, January, 1857, and they passed an act calling a Convention. If Senators will examine this act, they will find that it was intended to cut off the spring emigration into the Territory. They knew they had possession of the Government, and that they could control the Territory, and shape its future. They refused to provide for the submission of the Constitution to the people; and Governor Geary tells us that, when he said to these men, "I will sign this bill if you will submit the Constitution to the people," they said they had been advised by their Southern friends, not to submit it to the people, because, if they did not, it would secure Kansas as a slave State. Sir, this withholding the Constitution from the people is a part of the plan originally adopted to defraud

the people, to baffle their will, and to force upon them a loathed and abhorred institution.

Who were to take the census? Who were to register the voters? The officials appointed under this Territorial bogus Legislature—yes, sir, bogus in every sense—were to take the census and register the voters. Governor Stanton and Governor Walker tell us that in nineteen counties no census was taken, and in fifteen counties no registration. There was a paper read the other day, headed by Henry Clay Pate, undertaking to get over the force of that charge. I have examined this paper, signed by Henry Clay Pate, and in eleven lines there are twelve absolute lies, and the law book of the Territory shows it. Do not Senators know that in some of these counties there was a large population, that they gave more votes at the October election than were given for the election of delegates to the Constitutional Convention in June?

The Senator from Mississippi thinks this can not be true, and he quotes the appeals of Governor Walker when he first went into Territory, against Governor Walker after he had spent months in the Territory. He went there as Saul went to Tarsus—he did not understand the affairs of that Territory. Mr. Stanton is frank enough in the admirable address he has just published to the people of the United States—an address marked by truth, by candor, and by everything that should win for him the respect of fair-minded men—to declare that when he went to that Territory he did not understand its affairs. The honorable Senator from Mississippi would display more fairness if he would quote to us the words of Governor Walker after months of residence in the Territory had made him familiar with the condition of affairs. The time and conditions fixed upon by the Legislature were intended to cut off the population that would pour into the Territory from March to the third Monday of June. The machinery and the carrying into effect the whole arrangement were intended expressly to take possession of that Territory, and make it a slave State.

Mr. PUGH. Will the Senator allow me to make a suggestion?

Mr. WILSON. Certainly.

Mr. PUGH. I understand the Senator complaining of the Convention act of 1857, because it was designed to cut off the spring emigration of that year. Am I right in that?

Mr. WILSON. Yes, sir.

Mr. PUGH. Then why does the Senator complain that the spring emigration of 1855 voted? It is as long as it is broad.

Mr. WILSON. I will state the difference. This act provided for taking the census; and I think it was to be closed in April. Then the names were to be placed in the hands of officials, who were to make up the registration. This was to be done early in May; a residence of six months was required, to entitle a man to

vote. It cut off the thousands who went there as actual residents in March, April, May, and the first three weeks of June—men who were to cast their fortunes in that Territory. The four thousand nine hundred men who went over from Missouri in 1855, went back the next day; marched back with banners and music; they were not, and did not intend to be, residents. That is the difference. I hope the Senator from Ohio sees it. I complain that the men who go there to live are cut off. I do not complain that the men who go there to vote should be cut off, whether they go from the North or the South.

The Senator from Mississippi quotes Governor Walker, as saying, on the 27th of July, that there was no longer any fear of invasion from Missouri, and the people could vote. Here is another of the Senator's inaccurate statements. The people elected delegates on the third Monday in June, and this letter was written on the 27th of July. The Senator from Mississippi ought to be a little more accurate in his facts, and I command him to the study of old speeches, to listen to old speeches with patience, until he is better posted in his facts. Gov. Walker in this letter has reference to the October election, to the Legislature under the Territorial laws, and not the election of delegates to the Convention. The people voted in October. In their 9th of June Convention, before the delegates were elected, the people assembled in the largest Convention ever held in Kansas; they discussed the questions connected with the interests of the Territory for two days, and voted with only one exception to go into the October election. They voted to elect their officers under the Topeka Constitution in the first week of August. They did elect officers under the Topeka Constitution, and they went into the Territorial election in October, and carried that election also.

But the Senator from Mississippi has great doubts about frauds. Does he not know that the people were nearly being cheated out of their Legislature? If Governor Walker had not assumed the responsibility of throwing out some fraudulent votes, the people, who triumphed by five thousand majority, would have been cheated out of the Legislature. The frauds at Kickapoo, at Oxford, and in McGee county, if allowed to pass uncorrected, would have lost them the Legislature. Governor Walker saw that these frauds were so great that he must reject them, and he did reject the McGee and the Oxford frauds.

Mr. FESSENDEN. He rejected them for informality.

Mr. WILSON. He rejected them, as the Senator from Maine suggests, for informality; but he went down to Oxford and found "six houses" and only a few people there. He found that over fifteen hundred fraudulent votes had been returned, and he threw out the returns.

In answer to a question of the Senator from

New Hampshire, the Senator from Mississippi said there might be occasion to go behind the instrument, and investigate the frauds. Now, what are the charges? That there were frauds in the elections of the 21st of December and 4th of January, everybody knows. The Convention which framed the Lecompton Constitution was elected in June. It met, and adjourned to a period after the October election. When they saw that the Legislature of the Territory was taken possession of by the Free State men, they changed their tactics. It is true, as the Senator from Mississippi tells us, that meetings were got up, asking Calhoun and his associates not to submit the Constitution to the people. Calhoun and those men had pledged themselves to do it. On the demand of the President, on the promise of Governor Walker, and the declarations of the *Washington Union*, they had promised the people of Kansas that they would submit the Constitution to the people. They provided for its submission in such a way that Governor Walker could not correct frauds, as he had done in the case of Oxford and McGee county, and so that Calhoun could have the matter in his hands—a man who would not only permit the frauds, but, if necessary, make the frauds himself. He was just the man to do it; for God never allowed to walk the green earth any man who more richly deserves to die, a traitor's death, and leave a traitor's name, than John Calhoun.

Mr. GREEN. Say it to his face.

Mr. WILSON. I have said it here, and it goes on the record. I have no fear of the tools of border ruffianism in Washington or in Kansas. I am able to take care of myself. I will try to do so, at any rate. Sir, this John Calhoun has cheated and defrauded the people of Kansas out of their sacred rights. He has committed a crime against the liberties of the people, which will associate his name with tyranny and tyrants, while the history of Kansas shall be read and remembered by mankind.

The Senator from Mississippi justifies the refusal to submit the Constitution. Why, sir, it has been the policy in all the States to ascertain the popular will by submitting Constitutions to the people, to ascertain the popular will. These men knew that, if they submitted the Constitution to the people, it would be voted down, four or five to one. The President says they would have voted it down, because they did not like the source from which it emanated. What business was it to John Calhoun, or to that Convention, or to the President of the United States, whether the people of Kansas would vote down the Constitution or not? That was their business. It does not belong to the President or his Cabinet to pronounce on their motives for doing it. It is an insult to a free people to talk to them in this language, whether it comes from the Executive mansion or that class of men who formed the Convention that assembled in Kansas.

The Senator repeats the declaration of the Executive, that the people had an opportunity to vote on the question of making Kansas a free or slave State. The vote was taken on that provision of the Constitution, whether Kansas should be a slave State, with the slave trade, or whether Kansas should be a slave State, without the slave trade. That was the whole of it. Kansas was to be a slave State anyhow. In order to make it a slave State, without the slave trade, the voter had to vote for the Constitution. No one could vote against it. It was one of the most stupendous insults to a free people, that a body of usurpers ever offered. They took their votes. They have returned six thousand seven hundred votes at that election—thirteen hundred down at this little township of Oxford. The town of Kickapoo gave nearly eleven hundred votes—a town that cannot have legally more than four hundred voters. Four or five towns make up three thousand fraudulent votes given on that day. No man, who knows anything of Kansas, believes that there were more than twenty-five hundred, at the utmost, legal votes given in Kansas on that Constitution. Sir, Secretary Stanton tells us, in his address to the American people, that enormous frauds have been perpetrated at the precincts of Oxford, Shawnee, and Kickapoo; and it may well be believed that this result was actually designed by the artful leaders, who devised the plan and framework of the Lecompton Constitution.

Sir, the Legislature have appointed commissioners to investigate the alleged frauds at Kickapoo and some other precincts. The evidence already taken before the commissioners proves beyond all question that enormous frauds have been perpetrated. John C. Vaughn, a gentleman not wholly unknown to the country, testifies that he went to the polls with Thomas Ewing, jr., son of the distinguished Ohio statesman. When he arrived at the polls, at a quarter past four o'clock, the officers informed him that "467 votes had been polled." "Double voting," he says, "was barefaced, so barefaced that the judges inside and the bystanders outside could not help seeing it."

More than one thousand votes were returned by the officers, and this, too, in a place where the oldest residents testify before the commissioners that there are not over three hundred and fifty voters. Mr. Joseph Cornell, a Deputy United States Marshal, testifies that the polls were early surrounded by about "one hundred men and boys, armed with hickory clubs two and a half feet long"—that some of them threatened "to shoot the first man who challenged a voter"—that he went to Capt. Brown, and made in writing a demand for troops "to protect the polls"—"that he agreed to do it, but after holding a private conversation with Gen. Whitfield, he declined to do so"—that "Mr. Ewing took his dispatch to Gen. Harney, and Harney sent orders to Brown to obey his

commands, but it was then four o'clock, and too late to be of service." This U. S. Deputy Marshal testifies that he "saw one man vote three times within twenty minutes"—that "he went up to vote seven times"—that he challenged him three times, but he got in four votes. He also testifies that he saw others vote two and three times. Mr. William W. Gallagher testifies to seeing one man "hand in six tickets, one at a time, before he left the window."

The *Cincinnati Times* publishes a letter in regard to this investigation; and I wish to call the attention of Senators to it, especially the Senator from Missouri. The *St. Louis Democrat* makes an abstract of this correspondence.

"On the original poll book of the vote on the Constitution, December 21, 1857, which book is now on file in the county recorder's office in Leavenworth, it was discovered that James Buchanan, President of the United States, cast the two hundred and seventeenth vote."

Mr. SEWARD. What day was that?

Mr. WILSON. On the 21st of December.

Mr. GREEN. For or against Slavery?

Mr. WILSON. "For the Constitution with Slavery," of course. The Senator need give himself no anxiety about what vote James Buchanan would give, in Kansas or out of it. I wish the President would go to Kansas. He has sent out his Governors there, and they went as men sent out of old, to curse the people, and they come back blessing the people. If the President could be there a few weeks, he would become a wiser and better man. Instead of denouncing these people as rebels, I think he would come back and say that he had found a people loving liberty, law, and order, who had been oppressed by a class of his corrupt and unprincipled officials.

"Next on the list of distinguished names appears, as the two hundred and seventy-sixth voter, William H. Seward, of New York." [Laughter.]

They do not say how William H. Seward voted on that day, but we all know how William H. Seward would have voted, if he had been there.

"33rd. Thomas F. Marshall, of Kentucky. 714th. G. W. Brown, editor *Herald of Freedom*. Then, 859th, John C. Fremont" [Laughter.]

Mr. GREEN. How did he vote?

Mr. WILSON. The record does not state how any of them voted except Buchanan.

At the 4th of January election, Delaware Crossing gave, it is said, forty-three votes. These votes had not got in when Governor Denver, and Mr. Deitzler, and Mr. Babcock, counted the votes. It now turns out that the returns have come in from that Crossing, where forty-three votes were given, and they have returned three hundred and forty-nine for the slave ticket, and that ticket is elected by that vote—being eight Representatives from Leavenworth district, and three Senators, making a change of six in the Senate and sixteen in the House, changing the whole political complexion of the State.

Sir, this infamous fraud, by which the people of Kansas were defrauded of their rights—by

which the Pro-Slavery State and Legislative tickets have triumphed, is fixed, beyond all doubt, upon John Calhoun and his abhorred co-peers. James C. Grinter and Isaac Munde, two of the judges, testify that forty-three votes were given—all Democrats votes—that is, all Pro-Slavery votes, for Democratic votes and Pro-Slavery votes are one and the same in Kansas, as they are getting to be all over the country. They testify that these votes were placed in a box, and delivered to John D. Henderson, to be delivered at Leavenworth, to Mr. Oliver Diefendorf, a commissioner appointed by John Calhoun, his brother-in-law. Henderson testifies that he left Delaware Crossing that night at eleven o'clock, and that he placed the box containing the votes in Diefendorf's hands about noon on the 5th. He testifies that "six days after he gave the returns to Diefendorf, he asked him if he had sent them to Calhoun, and he said he had." By this testimony of John D. Henderson, these returns were made to Calhoun before the 11th of January. On the 14th of January, the returns of the election of the 4th were counted at Lecompton. Governor Denver, and the President of the Council, and the Speaker of the House, were invited to be present. Henderson was then at Lawrence, a prisoner, charged with altering these returns. Colonel J. H. Noteware, recently from Chicago, now of Kansas, a gentleman with whom I travelled several days last May in the Territory, testifies that he went to Lecompton on the day the votes were counted; that before he left Lawrence, Henderson sent by him a message to Calhoun "not to count the votes until he could see him;" and that he requested him to ask Governor Denver "to urge Calhoun not to open the returns of that precinct until he had seen him." Although these returns were delivered to Diefendorf on the 5th of January, and he told Henderson before the 11th that he had delivered them to Calhoun, they were not counted on the 14th; and Calhoun stated, says Colonel Noteware, that "they had not been received, and that he should hold the matter open until he heard from that precinct, before he declared the result of that county." Thus, by deception, falsehood, and by fraud, the people of Kansas have been deceived, betrayed, and defrauded, by men who deserve a felon's doom.

The frauds in Kansas are patent to the whole country; nobody doubts them. There is not an intelligent man in America who doubts them. Secretary Stanton well says—and I commend his words to Senators, who raise doubts concerning these frauds—"The frauds committed are notorious; and though dishonest persons may deny them, and fill the channels of public information with shameless representations to the contrary, they can be easily established beyond all controversy."

Sir, why is it, when these charges have gone over this country, that the President of the

United States, against the protests of some of the ablest and best men of his party, in this body and in the other House; against the voice of the press of his party, in the Northwest; against the intelligence that comes flashing over the wires and by mail, by presses, and by letters from all quarters of the Union, sends in this message, misrepresenting, misstating the affairs in Kansas, and pressing its prompt admission? Why is it that Senators—honorable men—men who ought to scorn to do a mean thing—also press it? Why is it that this is pressed, to be hurried through, and this act consummated, when we know that, on the 4th of January, twelve thousand men of that Territory voted against this Constitution, and that there were only six thousand votes cast for it on the 21st of December, of which three or four thousand were unquestionably fraudulent?

There is only one power on this continent which could thus control, direct, and guide men, and that is that gigantic slave power which holds this Administration in the hollow of its hand, which guides and directs the Democratic party, and which has only to stamp its foot, and the men who wield the Government of this country tremble, submit, and bow to its will. Senators talk about the dangers of the country. Great God! What are our dangers? The danger is, that there is such a power, a local, sectional power, that can control this Government, can ride over justice, ride over a wronged people, consummate glaring and outrageous frauds, and override and trample down the will of a brave and free people. That is the danger. The time has come when the freemen of this country, looking to liberty, to popular rights, to justice to all sections of the country, should overthrow this power, and trample it under their feet forever. The time has come when the people should rise in the majesty of conscious power, and hurl from office, and from places of influence, the men who thus bow to this tyranny.

Senators are anxious about the Union. The Senator from Delaware [Mr. BAYARD] to day thought it was in peril. Well, sir, I am not alarmed about it. I am in the Union; my State is in the Union; we intend to stay in it. If anybody wants to go out, Mexico and Central America, and the valley of the Amazon, are all open to emigration; let them start. I shall do nothing to keep them in the Union. I shall not hold them back, or mourn over their departure. But all this continent now in the Union is American soil, and a part of my country; and my vote and my influence, now and hereafter, will be given to keep it a part of my country.

Mr. GREEN spoke warmly in reply to Mr. WILSON.

Mr. WILSON. A very few words, Mr. President, in response to the Senator from Missouri. I say in advance, that threats, by word, tone, gesture, or manner, from that Senator, have no

terrors for me. Let him understand this once for all. He talks about charges made against some of the people of his State, and he says that when charges are made, unless they are supported by authority, they are slanders. I agree with the Senator. For myself, I have said nothing in regard to his State that is not on the records of this Government, where it will live forever—evidence taken under the solemnity of oaths, by a committee of the House of Representatives.

When, in January, 1856, knowing, as I did, many of the facts in regard to the election of the 30th of March, 1855, I brought them before the Senate, a Senator from Missouri [Mr. GEYER] assumed to question or deny them. I proved them upon him then on this floor, and there is not a man here who has attempted to disprove them from that time to this. When the proposition to raise the House committee was made, it was resisted. The committee raised, in spite of this resistance, reported, after months of careful investigation, a large volume of records, proving that four thousand nine hundred men from Missouri went into the Territory and voted on that day. It is as clearly demonstrated as is any mathematical problem in Euclid; and it requires a degree of assurance in any man to deny it, here or elsewhere.

Bold, vehement, and reckless denials, will not avail the Senator from Missouri. There is the record—explain it, disprove it, if you can—but do not suppose that unsupported denials will do. Sir, I tell the Senator, here and now, that no man shall brand me as a calumniator when I refer to that record. I stand upon that unimpeached record of the fraud and violence of lawless ruffianism, and I tell the Senator that I shall not be intimidated by threats, here or elsewhere.

The Senator says, that when I referred to the investigation at Kickapoo, I knew that James Buchanan and William H. Seward did not vote in the Territory of Kansas. Of course I knew it. There were over one thousand votes returned as cast on the 21st of December at Kickapoo. The Senator intimates that Black Republicans gave these names. Sir, Black Republicans did not vote on that day, and the Senator ought to have known it. He did know it, and knowing it, he makes the declaration that Black Republicans had given in those names. The votes on that day were Pro-Slavery votes. Republicans were not there to give the name of any man.

Sir, the Senator denies all the accumulated evidences of fraud in Kansas. He saw no evidences of fraud in the documents before us. Are we to have no other evidence on which we are to act as public men, than what we gather from the Executive documents? Sir, the tree of knowledge does not grow in the Executive garden. I wish it did; if it were so, we should not have such documents as we have before us. Our knowledge is not limited to

Executive documents, or to the evidences furnished by Executive agents in that Territory. There is some little intelligence outside of the councils of the Executive and his tools in Kansas.

The Senator from Missouri objects to these declarations of frauds being made. Is it not admitted that frauds have taken place in Kansas? How is it in Oxford? Did not Governor Walker prove that fifteen hundred fraudulent votes were given there in October last?

Mr. PUGH. What is proved?

Mr. WILSON. That there were frauds at Oxford in the October election.

Mr. PUGH. How do you know it?

Mr. WILSON. Gov. Walker and Secretary Stanton examined the facts, and stated them to the country. The returns were thrown out as fraudulent. Is not this evidence conclusive? The public press states the facts; the people there state the facts. That town gave sixteen hundred votes in October, and thirteen hundred on the 21st of December. I say the simple statement of the fact shows that there must be fraud. The Senator from Missouri knows it must be a fraud.

Mr. GREEN. I know exactly the contrary; and can give an explanation which will be satisfactory to the Senate.

Mr. WILSON. Will you do it now?

Mr. GREEN. I will do it when you refer that subject to the committee of which I am a member.

Mr. WILSON. We will refer it to you, and I want you to give us the facts.

Mr. GREEN. I will do it.

Mr. WILSON. It is known that there are not over one hundred and thirty voters in the place. Governor Walker states that he found there "six houses and no tavern," and this little place gave fifteen hundred votes on the second day of the election in October, although the inhabitants told Gov. Walker that only about fifty persons were at the meeting that day. These votes in October must have been fraudulent, and so must have been the vote in December.

The Senator talks about our saying here that the people of Kansas do not want to come into

the Union. We have not said so. I believe the people of Kansas, of all parties, desire to come into this Union. It is not a question of coming into the Union, but it is a question of how they shall come in.

The Senator talks about the legal people, and he indulges in legal technicalities. I admit he has the color of law on his side. His Missouri men went over there and elected a Legislature; they took possession of the Government; they made the laws; their friends have administered them from that time to this; the Pierce and Buchanan Administrations have upheld them; and all the wrongs of Kansas have been perpetrated under them. Because they have the color of law on their side, it does not follow that it is right or just, or that we should be governed by forms and technicalities in considering the application for admission. What Kansas wants, what the country wants, what we demand here, is substantial justice. We do not wish to lose the substance by a too rigid adherence to mere forms and legal quibbles.

The Senator indignantly denounces what he is pleased to call *imputations* on his constituents. Imputations have not been made by me. I make the positive and direct *charge* that Missourians have repeatedly fraudulently voted in Kansas, and I am prepared at all times to prove that charge by testimony beyond denial. I want a fair and distinct understanding with him. If I misstate in any respect a matter of fact in regard to Kansas, and he will show it to be so, I will most gladly correct it.

Mr. GREEN. It would be a little more appropriate, and a little more in conformity with the ordinary rules of right, for a man who makes a charge to sustain it, and not require his opponent to prove a negative.

Mr. WILSON. I agree to that, and I agree to the Senator's general declaration that a man who makes a charge without proof is a slanderer. I accept that declaration with all its consequences. What I have stated here to-day as matters of fact, I have the evidence to substantiate; and I tell him his general denials will not do. But, sir, I will detain the Senate no longer.

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